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VIA CM/ECF

Jarrett B. Perlow
Circuit Executive & Clerk of the Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Re: Coda Development S.R.O., et al. v. Goodyear Tire & Rubber Co., et al., No. 2023-1880 – Citation of Supplemental Authority under FED. R. APP. P. 28(j)

Dear Mr. Perlow,

Under FED. R. APP. P. 28(j), Plaintiffs-Appellants Coda Development S.R.O., Coda Innovations S.R.O. and Frantisek Hrabal (“Coda”) provide the following citations of supplemental authority, in furtherance to today’s oral argument in the above-referenced matter.

During Coda’s presentation, the Court asked to be directed to testimony in the record where Mr. Frantisek Hrabal explained that the public disclosures in his 2007 PCT Application were the same as the disclosures in the *Tire Tech* article. I directed the Court to Appx15949 through 15959. The specific testimony is located within that range on page Appx15958, lines 8-20. There, Mr. Hrabal testified that the *Tire Tech* article discloses his “flap tube solution” that was discussed in his 2007 PCT. He further testified that neither the 2007 PCT nor the *Tire Tech* article disclose Trade Secret 24. In addition to this referenced testimony (which was on redirect), Mr. Hrabal addressed the same topic during his direct testimony at Appx15491-94 and Appx15498.

This is only a portion of the trial evidence, cited in Coda’s Opening and Reply Briefs, that the jury had available in rendering its verdict on Trade Secret 24. See Coda’s Opening Brief at 23-31; Coda’s Reply at 7-10. The only question on Rule 50(b) is one of sufficiency, with all inferences weighed in Coda’s favor as the nonmovant. *Sykes v. Anderson*, 625 F.3d 294, 305 (6th Cir. 2010). The District Court did not cite the above-referenced testimony in its opinion finding that the 2007 PCT application and *Tire Tech* article disclosed Trade Secret 24; instead, it cited only Goodyear’s Brief. Appx00019.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Boyd Cloern", written over a horizontal line.

Boyd Cloern
Counsel for Plaintiffs-Appellants

cc: Counsel of Record (via CM/ECF)